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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

16 AJANTA CORPORATION and 17 Kishore Kripalani Plaintiffs 18 v. 19 GAYLORD, LLC and 20 Satpal S. Kohli Defendants.	CASE NO. CASE NO. C07-2823 MJJ VOLUNTARY DISMISSAL WITHOUT PREJUDICE BY PLAINTIFFS
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 23 1. The parties have been in settlement negotiations but complete agreement on settlement has
 24 not been reached.

1 2. In order to provide further time for settlement negotiations or other actions by the parties,
2 Plaintiffs hereby enter this VOLUNTARY DISMISSAL pursuant to Fed. R. Civ. P. 41 which
3 provides in part,

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5 “Rule 41. Dismissal of Actions

- 6 (a) Voluntary Dismissal: Effect Thereof.
7 (1) By Plaintiff; By Stipulation.
8 Subject to the provisions of Rule 23(e), of Rule 66, and of any statute of
9 the United States, an action may be dismissed by the plaintiff without order
9 of court (i) by filing a notice of dismissal at any time before service by the
9 adverse party of an answer or of a motion for summary judgment, ...”

10 3. Plaintiffs have not been served with an answer or a motion for summary judgment.
11 4. This action is not a class action nor has a receiver been appointed.
12 5. Accordingly, Plaintiffs request this action to be dismissed WITHOUT PREJUDICE whereby
13 Plaintiffs shall be free to re-file this action, any related action or otherwise proceed.

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Dated: October 15, 2007

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By

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/S/ David E. Lovejoy

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David E. Lovejoy
Attorney for Plaintiffs
AJANTA Corporation
Kishore Kripalani

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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

AJANTA CORPORATION and Kishore Kripalani Plaintiffs v.	CASE NO. CASE NO. C07-2823 MJJ ORDER TO ENTER VOLUNTARY DISMISSAL WITHOUT PREJUDICE
GAYLORD, LLC and Satpal S. Kohli Defendants.	

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 23 **ORDER**

- 24 1. The Plaintiffs AJANTA CORPORATION and KISHORE KRIPALANI by counsel have en-
 25 tered a VOLUNTARY DISMISSAL of this action WITHOUT PREJUDICE.
 26 2. Plaintiffs have not been served with an answer or a motion for summary judgment.
 27 3. This action is not a class action nor has a receiver been appointed.

4. It is ordered that this action is dismissed WITHOUT PREJUDICE.

Dated: October 15, 2007

Maria J. Jenkins

Judge Martin J. Jenkins